REMARKS

Reconsideration is respectfully requested.

Claims 1-11 remain in this application. No claims have been cancelled. No claims have been withdrawn. Claims 12-20 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 1-10 of the Office Action

Claims 1 and 3-7 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,604,320 to Hsia in view of U.S. Patent No. 6,487,977 to Williams et al.

Claim 1, particularly as amended, requires in part an auger member having a top turning portion and a bottom corkscrew portion, the corkscrew portion being for insertion into a ground surface,

The Hsia reference teaches a structure for supporting the weight of branches and vines that are overloaded with growing fruit. This support structure has a base with many extension rods to extend the footprint width of the base and distribute the weight over a larger surface area. See Column 2 lines 4 through 12, and Figures 2 & 3.

The Williams reference teaches a beach table and umbrella with a corkscrew anchor. Such an arrangement would concentrate the weight of the device being anchored in a small area.

The office action states in part that "It would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the selection of an alternate equivalent old and well known ground anchoring means to secure the vertical pole in place and to prevent any undesirable movement such as in a storm with strong winds."

However, this modification would change the principle of operation of Hsia. It is respectfully submitted that when the proposed modification or

combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F2d 810, 123 USPQ 349 (CCPA 1959)

Claims 3-7 are dependent on claim 1, which is believed to be allowable. By virtue of dependence on claim 1, claims 3-7 are also believed to be allowable.

Withdrawal of the §103(a) rejection of claims 1 and 3-7 is therefore respectfully requested.

Paragraphs 11 and 12 of the Office Action

Claim 2 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,604,320 to Hsia and U.S. Patent No. 6,487,977 to Williams et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,386,491 to Bissett.

As discussed more fully above, claim 1 is believed to be allowable over the combination of Hsia with Williams as the combination is not sufficient to render the claim prima facie obvious. Claim 2 is dependent on claim 1, which is believed to be allowable. By virtue of dependence on claim 1, Claim 2 is also believed to be allowable.

Withdrawal of the §103(a) rejection of claim 2 is therefore respectfully requested.

Paragraphs 13 and 14 of the Office Action

Claim 8 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,604,320 to Hsia and U.S. Patent No. 6,487,977 to Williams et al as applied to claim 1 above, and further in view of U.S. Patent No. 836,321 to Hill.

As discussed more fully above, claim 1 is believed to be allowable over the combination of Hsia with Williams as the combination is not sufficient to render the claim prima facie obvious. Claim 8 is dependent on claim 1, which is believed to be allowable. By virtue of dependence on claim 1, Claim 8 is also believed to be allowable.

Withdrawal of the §103(a) rejection of claim 8 is therefore respectfully requested.

Paragraphs 15 and 16 of the Office Action

Claim 9 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,604,320 to Hsia and U.S. Patent No. 6,487,977 to Williams et al as applied to claim 1 above, and further in view of U.S. Patent No. 2,990,647 to Himebaugh.

As discussed more fully above, claim 1 is believed to be allowable over the combination of Hsia with Williams as the combination is not sufficient to render the claim prima facie obvious. Claim 9 is dependent on claim 1, which is believed to be allowable. By virtue of dependence on claim 1, Claim 9 is also believed to be allowable.

Withdrawal of the §103(a) rejection of claim 9 is therefore respectfully requested.

Paragraph 17 of the Office Action

Paragraph 17 of the Office Action states that claim 10 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

New claims 12-20 have been added. Claim 12 presents the as-filed limitations of claim 10, including the limitations of claim 1, in independent form, and therefore new claim 12 is believed to be allowable.

New claims 13-20 present the as-filed limitations of claims 2-9 in dependent form from claim 12, and by virtue of their dependence from new claim 12 are also believed to be allowable.

Paragraph 18 of the Office Action

Claim 11 is allowed.